

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2132/OB1	
2.	Proposed Development:	VARIATION OF CONDITION 4 (DRAINAGE MANAGEMENT) OF PLANNING APPROVAL 4/17/2418/OR1 RESERVED MATTERS APPLICATION FOR THREE BEDROOMED 2 STOREY DWELLING	
3.	Location:	PLOT 2, FORMER COUNCIL YARD, HOLBORN HILL, MILLOM	
4.	Parish:	Millom	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads	
6.	Publicity Representations & Policy	Neighbour Notification Letter	Yes
		Site Notice	No
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report:	<p>Site and Location</p> <p>This application relates to a former brownfield site known as the former Council Yard at Holborn Hill, Millom. The site has been granted planning permission for a small residential estate.</p> <p>Planning History</p> <p>4/08/2261/001 – Outline application for residential development – Approved</p> <p>4/11/2344/001 – Application for a new planning permission to replace extant permission</p> <p>4/08/2261/001 – Approved</p> <p>4/14/2214/001 – Outline application for the erection of 8 detached dwellings and one detached</p>	

garage – Approved

4/16/2339/OR1 – Reserved matters application for access, plot layout, surface and foul water drainage – Approved

4/17/2295/OF1 – Erection of a 2 storey, four bedroomed house with integral garage and driveway - Approved

4/17/2347/OF1 – Construction of new detached dwelling as previously approved 4/16/2339/OR1, plot size and orientation has altered prompting a new planning application – Approved

4/17/2379/OR1 – Reserved matters application for scale and appearance of houses for plot 1, 3, 6 & 8 and proposed landscaping – Approved

4/17/2418/OR1 – Reserved matters application for the erection of a three bedroomed 2 storey dwelling - Approved

4/21/2064/DOC – Discharge of condition 5 of planning approval 4/17/2347/OF1 – Approved in part

4/21/2214/OB1 – Variation of condition 5 (footways) of planning approval 4/16/2339/OR1 – Approved

4/21/2216/OB1 – Variation of condition 4 (sustainable drainage) of planning approval 4/16/2339/OR1 – Approved

4/22/2124/DOC – Discharge of condition 3, 7, 8 and 9 of planning approval 4/17/2379/OR1 – Ongoing

4/22/2126/DOC – Discharge of condition 5 of planning approval 4/17/2147/OF1 – Approved.

Proposal

In January 2018, reserved matter permission (ref: 4/17/2418/OR1) was granted for the erection of a three bedroomed 2 storey dwelling. access, plot layout, surface and foul water drainage for this site. This current application seeks permission to vary the following condition attached to this planning permission:

4. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
 - Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
 - Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason

To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

Consultation Responses

Millom Town Council

No objections.

Cumbria County Council – Cumbria Highways & LLFA

The LLFA did not originally recommend this condition, we raise no objections to the variation of the time constraint following the submission of the Sustainable Drainage Maintenance & Management Plan.

United Utilities

No comments received on this application however the following comments have been submitted from UU on similar applications on this site:

As a provider of wastewater services, we believe we have a duty to advise the Local Planning Authority of any potential risks to ensure the longevity of the surface water drainage system and the service it provides to people. We therefore only recommend that the Local Planning Authority include a condition in their Decision Notice regarding a management and maintenance regime for any sustainable drainage system.

United Utilities cannot provide comment on the design, management and maintenance of an asset that is not in our ownership and therefore we cannot be involved in discharging this condition. Could I therefore suggest that you speak to the Lead Local Flood Authority to assess the proposals and if satisfied they discharge the planning condition.

Therefore, we have no comments to make on the discharge of this condition.

Copeland Borough Council – Flood and Coastal Defence Engineer

I am satisfied that there is provision relating to the on-going maintenance of the sustainable drainage for the shared system for the wider development, with those components relating to individual properties, being the responsibility of the individual property.

This may not have been in place when this plot was first occupied, so the application seeks to change the original condition, so that it can now be discharged.

Therefore, I think the application demonstrates that it can be, so I'm Ok with this.

Planning Policy

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards of New Residential Developments

Policy DM22 – Accessible Developments

Policy DM26 - Landscaping

Other Material Planning Considerations

National Planning Policy Framework (2021)

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2035 has recently been the subject of a Publication Draft Consultation. The Publication Draft Consultation builds upon the previously completed Issues and Options and Preferred Options consultations. Given the stage of preparation of the Copeland Local Plan 2017-2035 some weight can be attached to policies within the Publication Draft where no objections have been received. The Publication Draft provides an indication of the direction of travel

	<p>of the emerging planning policies, which themselves have been developed in accordance with the provisions of the National Planning Policy Framework.</p> <p>Assessment</p> <p>Under Section 73 of the Town and Country Planning Act 1990, an application can be made to vary or remove a condition associated with a permission. The effect of an application under Section 73 is the issue of a new permission sitting alongside the original permission, which remains intact and unamended. The NPPG outlines that to assist with clarity it states that decision notices should also repeat the relevant conditions from the original permission unless they have already been discharged. As a Section 73 application cannot be used to vary the time limit for implementation this condition must remain unchanged from the original permission.</p> <p>In terms of the conditions attached to the previous decision notice (ref: 4/17/2418/OR1) as works have commenced on site it is not necessary to repeat condition 1 relating to timescales. Conditions 2, 3, 6, 7, and 8 will be repeated to ensure that works are carried out as per the approved details. Condition 5 will be amended to reflect the details approved when the condition was discharged in January 2019.</p> <p>The current application seeks to vary condition 4 of the original planning approval, ref: 4/17/2418/OR1.</p> <p>Condition 4 relates to the proposed sustainable drainage management and maintenance plan for the lifetime of the development. As the development has already commenced on site the variation of this condition allow the works to be completed whilst securing a satisfactory drainage management and maintenance plan for the development. No objections have been received from UU, the LLFA or the Council's Flood and Coastal Defence Engineer, and this detail reflects the information submitted under 4/21/2216/0B1 for the same condition variation.</p>
8.	<p>Recommendation:</p> <p>Approve</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> 1. – 2. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:- <ul style="list-style-type: none"> - Location Plan, Scale 1:1250, received by the Local Planning Authority on the 8th December 2017. - Block Plan, Scale 1:200, Drawing No: SK 102, received by the Local Planning Authority on the 8th December 2017.

- Elevations (Amended), Scale 1:100, Drawing No: SK 101B, received by the Local Planning Authority on the 19th January 2018.
- Floor Plans, Scale 1:100, Drawing No: Sk100B, received by the Local Planning Authority on the 8th December 2017.

Reason

To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

3. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted drawing of "Proposed Drainage Layout and Manhole Construction Details", ref: K32716/A1/11 Rev B dated 13th December 2016 which was prepared by R.G. Parkins & Partners LTD (as approved under application 4/16/2339/OR1). For the avoidance of doubt and unless otherwise agreed in writing by the Local Planning Authority, surface water must drain at the restricted rate of 6.5 l/s into the combined sewer. The development shall be completed in accordance with the approved details and maintained at all times thereafter.

Reason

To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

4. The development must be carried out in accordance with and implement all of the details and mitigation measures specified within the following approved documents:
 - Sustainable Drainage Maintenance & Management Plan on behalf of Bay View Close RTM Company Limited for Bay View Close, Millom – Rev C, received by the Local Planning Authority on the 17th March 2022.
 - Proof of Right to Manage Co, received by the Local Planning Authority on the 17th March 2022.

The development shall subsequently be completed, maintained and managed in accordance with the approved details.

Reason

To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

5. The development hereby approved must be carried out in accordance with the List of External materials approved as part of condition 5 of permission 4/17/2418/OR1, as detailed within correspondence dated 22nd January 2022. Development must be carried out in accordance with the approved details and so maintained thereafter.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity.

6. Footways shall be provided that link continuously to the nearest existing footway as part of the development and ramps shall be provided on each side of every junction to enable wheelchairs, pushchairs etc. to be safely manoeuvred at kerb lines. Details of all such footways and ramps shall be submitted to and approved by the Local Planning Authority in writing before development commences. Any details so approved shall be constructed as part of the development.

Reason

To ensure that pedestrians and people with impaired mobility can negotiate road junctions in relative safety.

7. Prior to the commencement of any construction works an access shall be formed which provides visibility splays of 2.4m x 43m in accordance with the approved plan External Works Layout, Drawing No: K32716/A1/04B, received by the Local Planning Authority on the 12th December 2016 (as approved under application 4/16/2339/OR1). Once constructed the access shall be maintained in accordance with the approved details at all times thereafter.

Reason

To ensure that the new access road is constructed within a reasonable timescale in the interests of highway safety.

8. Access gates, if provided, shall be hung to open inwards only away from the highway.

Reason

In the interests of highway safety.

	<p>Informative:</p> <p>It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development. United Utilities offers a fully supported mapping service and we recommend the applicant contact our Property Searches Team on 03707 510101 to obtain maps of the site.</p> <p>Statement:</p> <p>The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.</p>
<p>Case Officer: C. Burns</p>	<p>Date : 05.05.2022</p>
<p>Authorising Officer: N.J. Hayhurst</p>	<p>Date : 05.05.2022</p>
<p>Dedicated responses to:-</p>	